



Rep. Michael W. Tryon

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LRB097 17355 JLS 67630 a

1 AMENDMENT TO HOUSE BILL 4787

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4787 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Prevailing Wage Act is amended by changing  
5 Section 2 and adding Section 4.5 as follows:

6 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

7 Sec. 2. Except for projects with a total cost of \$20,000 or  
8 less, this ~~This~~ Act applies to the wages of laborers, mechanics  
9 and other workers employed in any public works, as hereinafter  
10 defined, by any public body and to anyone under contracts for  
11 public works. This includes any maintenance, repair, assembly,  
12 or disassembly work performed on equipment whether owned,  
13 leased, or rented.

14 As used in this Act, unless the context indicates  
15 otherwise:

16 "Public works" means all fixed works constructed or

1 demolished by any public body, or paid for wholly or in part  
2 out of public funds. "Public works" as defined herein includes  
3 all projects financed in whole or in part with bonds, grants,  
4 loans, or other funds made available by or through the State or  
5 any of its political subdivisions, including but not limited  
6 to: bonds issued under the Industrial Project Revenue Bond Act  
7 (Article 11, Division 74 of the Illinois Municipal Code), the  
8 Industrial Building Revenue Bond Act, the Illinois Finance  
9 Authority Act, the Illinois Sports Facilities Authority Act, or  
10 the Build Illinois Bond Act; loans or other funds made  
11 available pursuant to the Build Illinois Act; or funds from the  
12 Fund for Illinois' Future under Section 6z-47 of the State  
13 Finance Act, funds for school construction under Section 5 of  
14 the General Obligation Bond Act, funds authorized under Section  
15 3 of the School Construction Bond Act, funds for school  
16 infrastructure under Section 6z-45 of the State Finance Act,  
17 and funds for transportation purposes under Section 4 of the  
18 General Obligation Bond Act. "Public works" also includes (i)  
19 all projects financed in whole or in part with funds from the  
20 Department of Commerce and Economic Opportunity under the  
21 Illinois Renewable Fuels Development Program Act for which  
22 there is no project labor agreement and (ii) all work performed  
23 pursuant to a public private agreement under the Public Private  
24 Agreements for the Illiana Expressway Act. "Public works" also  
25 includes all projects at leased facility property used for  
26 airport purposes under Section 35 of the Local Government

1 Facility Lease Act. "Public works" also includes the  
2 construction of a new wind power facility by a business  
3 designated as a High Impact Business under Section 5.5(a)(3)(E)  
4 of the Illinois Enterprise Zone Act. "Public works" does not  
5 include work done directly by any public utility company,  
6 whether or not done under public supervision or direction, or  
7 paid for wholly or in part out of public funds. "Public works"  
8 does not include projects undertaken by the owner at an  
9 owner-occupied single-family residence or at an owner-occupied  
10 unit of a multi-family residence.

11 "Construction" means all work on public works involving  
12 laborers, workers or mechanics. This includes any maintenance,  
13 repair, assembly, or disassembly work performed on equipment  
14 whether owned, leased, or rented.

15 "Locality" means the county where the physical work upon  
16 public works is performed, except (1) that if there is not  
17 available in the county a sufficient number of competent  
18 skilled laborers, workers and mechanics to construct the public  
19 works efficiently and properly, "locality" includes any other  
20 county nearest the one in which the work or construction is to  
21 be performed and from which such persons may be obtained in  
22 sufficient numbers to perform the work and (2) that, with  
23 respect to contracts for highway work with the Department of  
24 Transportation of this State, "locality" may at the discretion  
25 of the Secretary of the Department of Transportation be  
26 construed to include two or more adjacent counties from which

1 workers may be accessible for work on such construction.

2 "Public body" means the State or any officer, board or  
3 commission of the State or any political subdivision or  
4 department thereof, or any institution supported in whole or in  
5 part by public funds, and includes every county, city, town,  
6 village, township, school district, irrigation, utility,  
7 reclamation improvement or other district and every other  
8 political subdivision, district or municipality of the state  
9 whether such political subdivision, municipality or district  
10 operates under a special charter or not.

11 The terms "general prevailing rate of hourly wages",  
12 "general prevailing rate of wages" or "prevailing rate of  
13 wages" when used in this Act mean the hourly cash wages plus  
14 fringe benefits for training and apprenticeship programs  
15 approved by the U.S. Department of Labor, Bureau of  
16 Apprenticeship and Training, health and welfare, insurance,  
17 vacations and pensions paid generally, in the locality in which  
18 the work is being performed, to employees engaged in work of a  
19 similar character on public works.

20 (Source: P.A. 95-341, eff. 8-21-07; 96-28, eff. 7-1-09; 96-58,  
21 eff. 1-1-10; 96-186, eff. 1-1-10; 96-913, eff. 6-9-10; 96-1000,  
22 eff. 7-2-10.)

23 (820 ILCS 130/4.5 new)

24 Sec. 4.5. Prevailing Wage Task Force.

25 (a) Task Force. The Prevailing Wage Task Force is created.

1 The members of the Task Force shall be appointed no later than  
2 September 1, 2012.

3 (b) Report. No later than December 1 of each year, the Task  
4 Force shall report to the Governor and the General Assembly its  
5 recommendations for legislation to provide local governments  
6 with relief from the requirements of this Act. The Task Force  
7 shall issue its first report no later than December 1, 2012.

8 (c) Composition. The following members shall comprise the  
9 Task Force:

10 (1) One Democratic member of the Senate appointed by  
11 the President of the Senate and one Republican member of  
12 the Senate appointed by the Minority Leader of the Senate.

13 (2) One Democratic member of the House of  
14 Representatives appointed by the Speaker of the House of  
15 Representatives and one Republican member of the House of  
16 Representatives appointed by the Minority Leader of the  
17 House of Representatives.

18 (3) Three members representative of organized labor or  
19 labor trade councils appointed by the Governor.

20 (4) One member selected by the Illinois Municipal  
21 League.

22 (5) One member selected from one of the member Councils  
23 of Government of the Metropolitan Mayors Caucus.

24 (6) One member selected by Metro Counties.

25 (7) One member selected by the Illinois Landscape  
26 Contractors Association.

1       The initial appointment of members to the Task Force shall  
2 provide for 4 groups of members. Three of the groups shall  
3 consist of 3 members and one group shall consist of 2 members.  
4 The composition of the groups shall be determined by lot. The  
5 group consisting of 2 members shall serve an initial term of 4  
6 years. Of the 3 remaining groups, one group shall serve an  
7 initial term of one year, one group shall serve an initial term  
8 of 2 years, and one group shall serve an initial term of 3  
9 years. The length of the initial terms of the 3-person groups  
10 shall be determined by lot. Successors shall serve a term of 4  
11 years. If a vacancy occurs, the appropriate appointing  
12 authority shall appoint a person to serve the unexpired portion  
13 of the term.

14       (d) Organization. The Task Force shall elect a chairperson  
15 and a vice-chairperson who may not be members of the same  
16 political party. Six members of the Task Force constitute a  
17 quorum. The chairperson or, in the absence of the chairperson,  
18 the vice-chairperson shall have the right to convene a Task  
19 Force meeting and call the meeting to order. The Task Force  
20 shall meet at least one time each calendar quarter.

21       (e) Compensation. Members of the Task Force shall not  
22 receive compensation for performance of their duties, but may  
23 be reimbursed for actual and necessary expenses incurred in  
24 performing the duties associated with the Task Force from  
25 moneys appropriated for that purpose.

26       (f) Administrative support. The Department of Commerce and

1 Economic Opportunity shall provide administrative and staff  
2 support to the Task Force.

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.".